

WDN:SLR 09/05/03 217636.doc
PATENT

Attorney Reference Number 6395-62068
Application Number 10/048,146

Remarks

Applicants elect Group II (claims 1, 2, 3 and 5) directed to a composition comprising the TS-18 polypeptide of *T. solium* or antigenic fragments thereof, with traverse.

Claims 1-16 were pending. Due to the restriction requirement, claims 6-16 were cancelled without prejudice to prosecution in another application. Claims 2-5 were amended to clarify the claims. Support can be found in claim 1. Claims 17-28 are added. Therefore, claims 1-5 and 17-28 are now pending. Support for the new claims can be found throughout the specification, for example:

Claim 17: page 23, lines 10-20

Claims 18-19: page 18, line 15 - page 19 line 15

Claims 20-22: page 23, lines 21-28

Claim 23: page 14, lines 1-6 and page 14, line 30- page 15, line 4

Claim 24-25: page 8, lines 17-23

Claims 26-28: claim 2

Groups I - IV should be examined in the same application. As the Restriction Requirement correctly states on page 3, the polypeptide or antigenic fragment thereof claimed in claim 1 is the special technical feature unifying inventions I-IV. However, the Restriction Requirement concludes that Ryan *et al.*, *Mol. Biochem. Parasitol.* 99:257-61, April 1999 (this should be cited as Greene *et al.* as Ryan is the author's first name) teaches an antigenic fragment and therefore the special technical feature does not define over the prior art. Applicants respectfully disagree and request reconsideration.

Greene *et al.* is not available as prior art under § 102(b) with respect to the present application because it was published less than one year prior to the Applicants' priority date of August 5, 1999. Nor is Greene *et al.* available as prior art under § 102(a) because it is not the work of another since Greene *et al.* describes the work of 3 of the 4 co-inventors.

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As stated in the enclosed Rule 1.132 Declarations, Greene *et al.* discloses subject matter derived from three of the four co-inventors (Greene, Wilkins, and Tsang) of the present application. The other co-inventor Hancock was not listed as an author because she was not involved in the protein purification aspect of the project. However, Hancock is a co-inventor of the presently claimed subject matter because she was involved in the recombinant cloning of the full-length sequences. Greene *et al.* is therefore not prior art with respect to the present application and cannot be used to assert a lack of unity of invention. The restriction requirement does not establish a prima facie case of lack of unity because the reference relied upon to make that argument is not available as prior art.

Group IV should not be separated from Groups I-III because SEQ ID NO: 7 is an antigenic subsequence of the TS-14, TS-18, and TSRS-1 polypeptides of *T. solium*. SEQ ID NO: 7 is shown as amino acids 78-83 of SEQ ID NO: 2 (TS-14), amino acids 40-45 of SEQ ID NO: 4 (TS-18), and amino acids 39-44 of SEQ ID NO: 6 (TSRS-1).

Therefore, Applicants respectfully request that Groups I-IV be re-joined and examined in a single application.

If there are any questions regarding the present response, the examiner is invited to telephone the undersigned.

Respectfully submitted,

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